

CASE STUDY

When Culture Becomes a Liability

Independent Workplace Investigation | Hospitality Sector

The Situation

A London restaurant commissioned an independent workplace investigation following a formal grievance from a senior front-of-house employee. The grievance covered seven areas of complaint including sexual harassment, gender identity discrimination, disability-related concerns, and the misuse of the probation process.

The business had recently lost more than half its management team through redundancy and departure, leaving a reduced group of managers operating without clear senior leadership or oversight. Against a backdrop of falling covers and job insecurity, the culture had drifted significantly from acceptable standards, and staff had largely normalised conduct that should have been challenged.

The Investigation

Seven individuals were interviewed over a two-week period, including the complainant, two respondents, and four independent witnesses. All interviews were conducted remotely, recorded with consent, and fully transcribed.

What emerged across the interviews was not just a set of individual incidents but a picture of an environment where poor standards had become embedded, and where management decisions were being made for personal rather than operational reasons. Key findings included:

- **Physical contact confirmed.** One of the respondents confirmed two separate incidents of inappropriate physical contact with the complainant. One of those incidents was independently corroborated by a second witness who had been present. Neither incident had been intended maliciously, but the law is clear: it is how conduct is received that matters, not how it was intended.
- **Probation process compromised.** One manager confirmed under interview, candidly and without prompting, that he had extended the complainant's probation without proper grounds. He named two colleagues, including the business owner, as having applied pressure on him to do so. He acknowledged at the time he had no legitimate basis for the decision. The extension had been reversed within 24 hours of the complainant submitting an appeal.
- **Disability concerns.** The complainant had a long-standing mental health condition and had mentioned her medication informally to her line manager. Grounds used in the probation extension, including that she was not approachable or smiley enough, directly related to a

symptom of that condition. The business had no formal disclosure or reasonable adjustments process in place.

- **Normalised sexist culture.** Multiple independent witnesses described a culture of sexist commentary about female guests and colleagues. Several dismissed this as normal for the hospitality industry. That normalisation was itself a finding: conduct that goes unchallenged becomes embedded, and an employer that allows that to happen carries legal responsibility for it.

The Challenge

The client was unhappy with the findings and indicated an intention to challenge the report. Before the challenge was received, the investigator carried out a thorough self-review of the evidence base against each finding.

The conclusion was clear. The core findings rested on recorded admissions from the respondents themselves, independent witness corroboration, documented HR commentary, and the reversal of the probation on appeal. No challenge to peripheral findings would alter the fundamental picture.

This is one of the most important disciplines in independent investigation work: being able to stand behind your findings under pressure, because the integrity of the report is the entire basis on which it carries weight.

The Outcome

The business entered without prejudice discussions with the complainant while the report findings were still being considered. Recommendations included formal management guidance meetings, mandatory harassment training, a restructured probation process, a disability disclosure procedure, and immediate practical changes to the working environment.

The case also highlighted a wider commercial reality that many hospitality businesses are now facing. The strengthening of the employer duty to take all reasonable steps to prevent harassment, coming into force in October 2025, means that cultural drift of this kind is no longer just an HR problem. It is a legal liability.

Key Lessons for Employers

- **Informal disclosures still count.** An employee mentioning medication in passing creates awareness. Using demeanour-based performance criteria without exploring whether a medical explanation exists is a risk.
- **Intent is not a defence.** Conduct that is received as harassment is harassment, regardless of what was meant by it. This applies to physical contact, language, and workplace culture.

- **The probation process is not a removal tool.** Probation exists to assess performance against documented, communicated standards. Using it to facilitate the removal of an employee for personal reasons creates serious legal exposure, particularly where protected characteristics are involved.
- **Normalisation is not a defence.** 'That's just hospitality' is not an answer a tribunal will accept. Employers are responsible for the culture they allow to exist.
- **Act before it escalates.** Every case of this kind begins with smaller incidents that went unchallenged. An independent investigation after the fact is more expensive, more disruptive, and more damaging to everyone involved than addressing issues when they are still manageable.

This case study has been anonymised. All identifying details have been changed or removed. 365 People Support provides independent workplace investigations, HR advisory services, and employment relations support to businesses across the UK. Accredited investigator. Plain English. Straight advice.